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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/889,889	07/08/97	SULLIVAN	P 063074.0104

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LM01/1215

EXAMINER

LE, V

ART UNIT	PAPER NUMBER
2713	4

DATE MAILED: 12/15/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 08/889,889	Applicant(s) Sullivan et al
	Examiner Vu Le	Group Art Unit 2713

Responsive to communication(s) filed on _____.

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 1-42 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 1-42 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2,3

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

lines 1-2, "the digital file" has no antecedent basis. To comply with proper antecedent basis, replace it with --the file is a digital file--.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-4, 11-14, 22-25 and 33-36 are provisionally rejected under the judicially created doctrine of double patenting over claims 1-5 and 11-15 of copending Application No. 08/677,513. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

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The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

Both claimed inventions, as appeared in the above identified claims, recite substantially the same system and method steps of video surveillance comprising a client and a server, both coupled together via a communications network; the video surveillance can be implemented in a point-of-sale environments e.g., ATM, retail stores, etc... for communicating financial transactions and/or a sale of an item; both the client and server a microphone generate audio associated with the financial transaction; and both can transmit data, video, and audio over the communications network.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who

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has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1-42 are rejected under 35 U.S.C. 102(e) as being anticipated by Ishida et al, US Pat. No. 5,585,839.

Regarding claims 1, 21-22 and 33, Ishida et al discloses a video surveillance system and method (fig. 1 or 3) comprising: a client (3,4) operable to generate data associated with at least one financial transaction (col. 5, line 55), the client having a camera (12) operable to generate video associated with the financial transaction, the client operable to accumulate and store the data as digital file (col. col. 17, lines 38-45; note: storage is in digital format communicating via ISDN networks); the client operable to transmit the data and video using a communications network (1); and a server (2) coupled to the client (3,4) using the communications network (1), the server operable to receive the data and video from the client and to display the video and data in real-time (5). (See also "Summary of the Invention", col. 5 through col. 6, lines 1-56).

Regarding claims 2, 12, 23 and 34, the client comprises a point-of-sale device and the financial transaction- comprises the sale of an item (col. 5, line 55; col. 13, lines 65-67; col. 17, lines 52-65).

Regarding claims 3, 13, 24 and 35, the client comprises an automated teller machine and the financial transaction comprises a cash withdrawal (col. 5, line 55; col. 13, lines 65-67; col. 17, lines 52-65).

Regarding claims 4, 14, 25 and 36, the client comprises a microphone (321, fig. 3 or 4) operable to generate audio associated with the financial transaction, the client operable to transmit

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data, video, and audio over the communications network (1, fig. 1 or 3).

Regarding claims 5, 15, 26 and 37, the server forms a data window from the data and a video window from the video and overlays the data window on the video window (col. 8, lines 40-44).

Regarding claims 6, 16, 27 and 38, the server presents data from a plurality of financial transactions as a plurality of data windows, presents video from a plurality of video sources as a plurality of video windows, and associates the data windows with the corresponding video windows (see col. 16, line 43 through col. 17, lines 1-65).

Regarding claims 7 and 28, the server receives user input to specify one of the data windows to display the video window associated with the specific data window (see col. 16, line 43 through col. 17, lines 1-65).

Regarding claims 8, 17, 29 and 39, the server associated with the financial transaction automatically switches the video window to the video associated with the data in response to the presence or content of data (col. 8, line 51 through col. 9, lines 1-39).

Regarding claims 9, 18, 30 and 40, the server displays the appropriate video window and data window upon changes in one of the plurality of video windows (col. 9, line 40 through col. 10, lines 1-27).

Regarding claims 10, 20 and 31, wherein the client stores accumulated data associated with the financial transaction and transmits the data when the client communicates with the server (col. 7, line 38 through col. 8, lines 1-50; col. 17, lines 38-45).

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Regarding claims 19 and 41, the steps of receiving a user selection; and updating the video window and the data window in response to the selection (col. 5, lines 31-51; col. 15, lines 12-62).

Regarding claims 21, 32 and 42, wherein the digital file contains financial records accumulated since last connection (col. 17, lines 38-45; note: storage is digital format communications via ISDN networks).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Vu Le whose telephone number is (703) 308-6613 and email is “Vu.Le@uspto.gov”. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tommy Chin, can be reached on (703) 305-4715. The fax number for submitting formal communications is (703) 308-9051, and for informal communications is (703) 308-5399.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

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Patent Examiner



Vu Le/VL
AU 2713